THE HON'BLE SRI JUSTICE B. PRAKASH RAO

A N D

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 1622 OF 2005

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Date: 13—09—2005

Between:

The Sough Central Railway Employees

Cooperative Credit Society Limited,

Rep. by its Person Incharge, Sahakara Bhavan,

Himmat Nagar, Secunderabad.

…appellant

a n d

D.S. Krishna Kishore Reddy and others

…respondents.

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O R D E R: (per Sri Justice B. Prakash Rao)

Heard both sides. This appeal is directed against the order dated 30.7.2004 in WVMP No. 1898 of 2004 making the interim stay granted by the learned single Judge in WPMP No. 13742 of 2004 in W.P. 10819 of 2004, absolute.

In the main writ petition, the challenge is made by the respondents herein against the action of the 1st respondent in the writ petition in appointing the 2nd respondent as Enquiry Officer, exercising his power under Section 69 of the Multi State Cooperative Societies Act. The learned single Judge, having found that there is a prima facie substantial question which has to be gone into, initially granted interim stay and subsequently, while observing that the enquiry report and the disciplinary action against the petitioners are without jurisdiction in view of the fact that the said Act has been repealed by Act No.39 of 2002 which came into force with effect from 19.8.2002, made the same absolute vide order dated 30.7.2004 and posted the writ petition for final hearing.

Having regard to the fact that it is only an interim order, we are not inclined to go into the merits of the case. The question as to the maintainability of the writ petition and the contentions raised by the appellant herein can as well be gone into at the time of final hearing of the writ petition.

In the circumstances, we dismiss the writ appeal. However, we direct that the writ petition – W.P. 10819 of 2004 – be posted for final hearing immediately after Dasara vacation, before the Court hearing the concerned matters.

13—09—2005.

MVB.